

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DAIRYMAN'S DIVISION OF LAND O'LAKES,
INC.,

Complainant,

vs.

SOUTHERN CALIFORNIA EDISON
COMPANY,

Defendant.

Case 01-10-034
(Filed October 31, 2001)

SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER

Summary

Pursuant to Rules 6(b)(3) and 6.3 of the Commission's Rules of Practice and Procedure, this ruling sets forth the category and schedule of the proceeding, scope of proceeding, and assigns a presiding officer following a Prehearing Conference (PHC) held on February 7, 2002, by Administrative Law Judge Galvin.

Background

Complainant, Dairyman's Division of Land O'Lakes, Inc. (Land O'Lakes), was assessed approximately \$1,516,000 in penalties by Southern California Edison Company (SCE) for Land O'Lakes failure to reduce its electricity use within 30 minutes after receipt of a Notice of Interruption by SCE. Land O'Lakes disputes approximately \$896,000 of the penalty on the grounds that SCE declared

periods of interruption without a required 30-minute minimum notice, and which followed each other as virtual back-to-back periods of interruption over a four-day period.

Category and Schedule of Proceeding

This ruling confirms that this case is adjudicatory. The PHC should be continued after discovery has been completed to determine stipulated facts, need for an evidentiary hearing, briefing schedule, and setting of a submittal date.

The schedule for this proceeding is as follows:

<u>Date</u>	<u>Event</u>
February 7, 2002 to March 8, 2002	Discovery
March 8, 2002	Continued PHC

My goal is to resolve this matter no later than October 31, 2002, the twelve-month timeframe set for resolution of adjudicatory proceedings.

Scope of Proceeding

The five issues identified by Land O'Lakes in its complaint has been reduced to two issues at the PHC. The scope of the proceeding addresses the following issues:

- Whether SCE's Schedule I-6 was properly applied to Dairyman's Division of Land O'Lakes?
- The extent to which Land O'Lakes should suffer monetary penalties for maintaining operations on the three days when successive, almost continuous "Periods of Interruption" were declared?

Assignment of Presiding Officer

Administrative Law Judge Galvin will be the presiding officer.

Ex Parte Rules

Ex parte communications are prohibited in adjudicatory proceedings under Pub. Util. Code § 1701.2(b) and Rule 7.

IT IS RULED that:

1. This proceeding is adjudicatory and is scheduled for hearing.
2. The scope of the proceeding is as set forth herein.
3. The Prehearing Conference (PHC) is continued to March 8, 2002, at 10:00 a.m., in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco. The continued PHC shall be used to determine stipulated facts, need for evidentiary hearings, briefing schedule, and setting of a submittal date.
4. The presiding officer will be Administrative Law Judge Galvin.
5. Ex parte communications are prohibited.

Dated February 13, 2002, at San Francisco, California.

/s/ CARL W. WOOD

Carl W. Wood
Assigned Commissioner

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Scoping Memo and Ruling of Assigned Commissioner on all parties of record in this proceeding or their attorneys of record.

Dated February 13, 2002, at San Francisco, California.

/s/ TERESITA C. GALLARDO

Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.